IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SEVENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 765 of 2005

Between:

H. Rama Lakshmamma, W/o Rangappa, 40 yerars, F.P.shop dealer, R/o P. Veerannapalli, Peddavadugur mandal, Ananthapur district.

..... PETITIONER

AND

1. The Joint Collector, Ananthapur, Ananthapur district.
2. Revenue Divisional Officer, Ananthapur, Ananthapur district.
3. The Mandal Revenue Officer, Peddavadugur mandal, Ananthapur district.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the second respondent in rejecting the stay petition not completing the enquiry by the second respondent as illegal, arbitrary and consequently set aside the orders of proceedings of second respondent in Rc.NO.D1/CS/1266/2004, dt. 13.09.2004 pending appeal before the first respondent suspend the operation of the orders in Rc.No.D1/CS/1266/2004, dated 13.09.2004.

Counsel for the Petitioner:MR.K.SRINIVAS

Counsel for the Respondents No.1 to 3: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following ORDER:

Petitioner was appointed as a fair price shop dealer in the year 1997. Through a show cause notice-cum-suspension order dated 13.09.2004, the second respondent suspended her authorization on the allegations that she was selling the essential commodities at higher rates and did not supply the same up to the stipulated limits. Aggrieved thereby, the petitioner preferred an appeal, together with an application for stay, before the first respondent. The first respondent rejected the application for stay, through order dated 27.10.2004. The petitioner states that she has already been submitted an explanation before the second respondent and complains that there is no progress in the proceedings either before the first respondent or the second respondent.

Heard learned counsel for the petitioner and learned Government Pleader for Civil Supplies.

On receiving the order of suspension-cum-show cause notice, the petitioner had preferred an appeal before the first respondent. She also submitted an explanation to the charges levelled against her, before the second respondent. Her application for grant of interim orders was rejected way back in the month of October 2004. Once the petitioner submitted her explanation, the second respondent ought to have proceeded to pass final orders. The pendency of appeal preferred by the petitioner cannot be treated as an impediment. The

delay in conclusion of the proceedings, after the authorization of a dealer is suspended, was dealt with by this Court in ***Joint Collector, Kurnool v. A. Neelima***. It was held that undue delay in disposing of the proceedings would result in operation of the order of suspension indefinitely. Three months was treated as reasonable period for the disposal of such proceedings, except where the delay is attributable to the dealer himself. In the instant case, there is nothing to indicate that the petitioner is responsible for the delay in disposal of the proceedings.

Further, the charges levelled against the petitioner are vague and general. No specific instances were indicated. Even before any explanation was submitted, a finding was recorded in the order of suspension to the effect that the petitioner had diverted quantities of essential commodities. The petitioner is a woman belonging to SC category. There are no serious allegations against her.

In the totality of the circumstances, the writ petition is allowed and the order of suspension passed against the petitioner is set aside, leaving it open to the second respondent to conclude the proceedings against the petitioner. In view of this order, the appeal preferred by the petitioner before the first respondent becomes infructuous and it shall not be necessary for him to pass any orders in that appeal. There shall be no order as to costs.

27.01.2005

Note:

Issue CC in three days.

(BO)

ksld

To

1. The Joint Collector, Ananthapur, Ananthapur district.
2. Revenue Divisional Officer, Ananthapur, Ananthapur district.
3. The Mandal Revenue Officer, Peddavadugur mandal, Ananthapur district.
4. Two CCs. to the G.P. for Civil Supplies, High Court of A.P., Hyderabad (OUT).
5. Two CD copies.